

SUPREME COURT OF STATE OF NEW YORK
COUNTY OF SUFFOLK

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THEA MORALES,
Plaintiff,
- against -

DIOCESE OF ROCKVILLE CENTRE, ST. EDWARD
THE CONFESSOR ROMAN CATHOLIC CHURCH,
OUR LADY OF FATIMA ROMAN CATHOLIC
CHURCH and ST. CATHERINE OF SIENNA
ROMAN CATHOLIC CHURCH,

VERIFIED COMPLAINT

Index No.

Defendants.

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Plaintiff THEA MORALES, appearing by her attorney, RALPH A. HUMMEL, ESQ., as and for a Verified Complaint against defendants DIOCESE OF ROCKVILLE CENTRE, ST. EDWARD THE CONFESSOR ROMAN CATHOLIC CHURCH, OUR LADY OF FATIMA ROMAN CATHOLIC CHURCH and ST. CATHERINE OF SIENNA ROMAN CATHOLIC CHURCH, respectfully alleges as follows:

1. Plaintiff THEA MORALES is a natural person currently residing in the County of Suffolk, State of New York.
2. Upon information and belief, defendant DIOCESE OF ROCKVILLE CENTRE (referred to hereinafter as "Diocese") is a religious corporation organized under the New York State Religious Corporations Law and currently doing business in the State of New York.

3. Upon information and belief, defendant ST. EDWARD THE CONFESSOR ROMAN CATHOLIC CHURCH is a religious corporation organized under the New York State Religious Corporations Law and doing business in the State of New York.

4. Upon information and belief, defendant ST. EDWARD THE CONFESSOR ROMAN CATHOLIC CHURCH is a parish of defendant DIOCESE and operates within defendant DIOCESE, under its control and for its benefit.

5. Upon information and belief, defendant OUR LADY OF FATIMA ROMAN CATHOLIC CHURCH is a religious corporation organized under the New York State Religious Corporations Law and doing business in the State of New York.

6. Upon information and belief, defendant OUR LADY OF FATIMA ROMAN CATHOLIC CHURCH is a parish of defendant DIOCESE and operates within defendant DIOCESE, under its control and for its benefit.

7. Upon information and belief, defendant ST. CATHERINE OF SIENNA ROMAN CATHOLIC CHURCH is a religious corporation organized under the New York State Religious Corporations Law and doing business in the State of New York.

8. Upon information and belief, defendant ST. CATHERINE OF SIENNA ROMAN CATHOLIC CHURCH is a parish of defendant DIOCESE and operates

within defendant DIOCESE, under its control and for its benefit.

**AS AND FOR A FIRST CAUSE OF ACTION
PLAINTIFF ALLEGES AS FOLLOWS:**

9. Plaintiff repeats, reiterates and re-alleges each and every allegation made in paragraphs 1 through 8 above, as if fully set forth herein.

10. At all times relevant hereto plaintiff was legally identified and commonly known by her maiden name: i.e., Thea Groene.

11. Beginning in or before March 1993, plaintiff and her family (parents and brother) participated in religious, social and communal activities offered and conducted by defendants.

12. Beginning in or before March 1993, plaintiff offered her services to defendants on a voluntary basis and became a musician, assistant and supporter of defendants' Youth Ministry Band Group.

13. Beginning in or before March 1993, Matthew Maiello was hired and employed by defendants. Matthew Maiello served as the Music Director and Assistant to the Youth Minister in the Youth Ministry in defendant ST. EDWARD THE CONFESSOR ROMAN CATHOLIC CHURCH. Matthew Maiello also served as

the Youth Minister in the Youth Ministry in defendant OUR LADY OF FATIMA ROMAN CATHOLIC CHURCH. Matthew Maiello performed services for all defendants' youth music program.

14. Matthew Maiello was employed by defendants from in or before March 1993 until in or after Fall 1994.

15. In or about March 1993, plaintiff was introduced to Matthew Maiello through plaintiff's volunteer efforts for defendants.

16. Plaintiff was born on May 7, 1976.

17. At the time plaintiff met Matthew Maiello, plaintiff was 16 years old.

18. From March 1993 until on or about Fall 1994, Matthew Maiello manipulated plaintiff into an emotional relationship which Matthew Maiello exploited to engage in sexual activity with plaintiff.

19. From March 1993 until on or about Fall 1994, Matthew Maiello committed multiple sexual acts with plaintiff.

20. Matthew Maiello video-recorded intimate sexual acts Matthew Maiello committed with plaintiff.

21. Matthew Maiello manipulated plaintiff into engaging in acts of group sex with Matthew Maiello and another person.

22. Matthew Maiello continued the foregoing sexual misconduct from in or about March 1993 until in or about Fall 1994.

23. In March 1993, plaintiff was legally a minor and, due to her age (16), was legally incapable of consenting to sexual acts.

24. The sexual acts Matthew Maiello committed with plaintiff were unlawful at the time they were committed.

25. During said time, Matthew Maiello intended to and actually did cause a familial rift between plaintiff and her parents.

26. Such rift was designed to and did enable Matthew Maiello to exploit plaintiff without interference from plaintiff's parents.

27. The foregoing misconduct by Matthew Maiello was harmful to plaintiff, psychologically and physically.

28. The foregoing misconduct by Matthew Maiello caused plaintiff to suffer serious, persistent self-mutilation and self-harm.

29. The foregoing misconduct by Matthew Maiello caused plaintiff to suffer serious, persistent psychological injuries.

30. The foregoing misconduct by Matthew Maiello caused plaintiff to suffer severe pain and suffering.

31. On July 31, 2003, Matthew Maiello pleaded guilty in New York State court to four criminal felony charges of Rape and Sodomy of four minor children: i.e., one count of Rape in the Third Degree and three counts of Sodomy in the Third Degree. As a result of that guilty plea, Matthew Maiello served two years in prison.

32. In 2003, Matthew Maiello was sued in New York State Supreme Court (County of Nassau) by two individuals (i.e., Carrie Athison and Christopher Paige) for having committed sexual acts on said individuals when they were minors.

33. In said civil suit, plaintiff herein (THEA MORALES, then known by her maiden name Thea Groene) and her parents testified in depositions and at trial about the acts committed against plaintiff by Matthew Maiello and about efforts by plaintiff and her parents to alert defendants to his misconduct.

34. In said civil suit, a jury found Matthew Maiello liable to the plaintiffs therein (i.e., Carrie Athison and Christopher Paige) and awarded said individuals \$11.4 Million dollars.

35. In said civil suit, the jury also found defendant DIOCESE OF ROCKVILLE CENTRE liable to plaintiffs therein (i.e., Carrie Athison and Christopher Paige) and awarded said individuals \$11.4 Million dollars.

36. Defendants owed plaintiff a duty of care.

37. Defendants breached said duty of care.

38. Plaintiff suffered injuries as a proximate result of defendants' negligence.

39. Defendants are liable to plaintiff for injuries caused by their negligence in hiring an employee who was unfit and caused harm to plaintiff.

40. Defendants are liable to plaintiff for injuries caused by their negligence in retaining an employee who was unfit and caused harm to plaintiff.

41. Defendants are liable to plaintiff for injuries caused by their negligence in supervising an employee who was unfit and caused harm to plaintiff.

42. Defendants are jointly and severally liable to plaintiff for negligence under New York State common law.

43. Defendants committed conduct so flagrant as to transcend mere carelessness and to constitute willful or wanton negligence or recklessness, authorizing an

award of punitive damages. Defendants were complicit in the alleged misconduct by authorizing, participating in, consenting to or ratifying such misconduct.

44. This action is timely brought under the provisions of the New York State Child Victims Act, effective August 14, 2019.

45. By reason of the foregoing, plaintiff THEA MORALES is entitled to compensatory damages from defendants DIOCESE OF ROCKVILLE CENTRE, ST. EDWARD THE CONFESSOR ROMAN CATHOLIC CHURCH, OUR LADY OF FATIMA ROMAN CATHOLIC CHURCH and ST. CATHERINE OF SIENNA ROMAN CATHOLIC CHURCH, jointly and severally, in a sum exceeding the monetary jurisdictions of all lower courts and, in addition thereto, to punitive damages in a sum to be determined by the judge or jury herein.

**AS AND FOR A SECOND CAUSE OF ACTION
PLAINTIFF ALLEGES AS FOLLOWS:**

46. Plaintiff repeats, reiterates and re-alleges each and every allegation made in paragraphs 1 through 8 above, as if fully set forth herein.

47. At all times relevant hereto plaintiff was legally identified and commonly known by her maiden name: i.e., Thea Groene.

48. Beginning in or before March 1993, plaintiff and her family (parents and brother) participated in religious, social and communal activities offered and conducted by defendants.

49. Beginning in or before March 1993, plaintiff offered her services to defendants on a voluntary basis and became a musician, assistant and supporter of defendants' Youth Ministry Band Group.

50. Beginning in or before March 1993, Matthew Maiello was hired and employed by defendants. Matthew Maiello served as the Music Director and Assistant to the Youth Minister in the Youth Ministry in defendant ST. EDWARD THE CONFESSOR ROMAN CATHOLIC CHURCH. Matthew Maiello also served as the Youth Minister in the Youth Ministry in defendant OUR LADY OF FATIMA ROMAN CATHOLIC CHURCH. Matthew Maiello performed services for all defendants' youth music program.

51. Matthew Maiello was employed by defendants from in or before March 1993 until in or after Fall 1994.

52. In or about March 1993, plaintiff was introduced to Matthew Maiello through plaintiff's volunteer efforts for defendants.

53. Plaintiff was born on May 7, 1976.

54. At the time plaintiff met Matthew Maiello, plaintiff was 16 years old.

55. From March 1993 until on or about Fall 1994, Matthew Maiello manipulated plaintiff into an emotional relationship which Matthew Maiello exploited to engage in sexual activity with plaintiff.

56. From March 1993 until on or about Fall 1994, Matthew Maiello committed multiple sexual acts with plaintiff.

57. Matthew Maiello video-recorded intimate sexual acts Matthew Maiello committed with plaintiff.

58. Matthew Maiello manipulated plaintiff into engaging in acts of group sex with Matthew Maiello and another person.

59. Matthew Maiello continued the foregoing sexual misconduct from in or about March 1993 until in or about Fall 1994.

60. In March 1993, plaintiff was legally a minor and, due to her age (16), was legally incapable of consenting to sexual acts.

61. The sexual acts Matthew Maiello committed with plaintiff were unlawful at the time they were committed.

62. During said time, Matthew Maiello intended to and actually did cause a familial rift between plaintiff and her parents.

63. Such rift was designed to and did enable Matthew Maiello to exploit plaintiff without interference from plaintiff's parents.

64. The foregoing misconduct by Matthew Maiello was harmful to plaintiff, psychologically and physically.

65. The foregoing misconduct by Matthew Maiello caused plaintiff to suffer serious, persistent self-mutilation and self-harm.

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i.e., one count of Rape in the Third Degree and three counts of Sodomy in the Third Degree. As a result of that guilty plea, Matthew Maiello served two years in prison.

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70. In said civil suit, plaintiff herein (THEA MORALES, then known by her maiden name Thea Groene) and her parents testified in depositions and at trial about the acts committed against plaintiff by Matthew Maiello and about efforts by plaintiff and her parents to alert defendants to his misconduct.

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72. In said civil suit, the jury also found defendant DIOCESE OF ROCKVILLE CENTRE liable to plaintiffs therein (i.e., Carrie Athison and Christopher Paige) and awarded said individuals \$11.4 Million dollars.

73. Matthew Maiello owed plaintiff a duty of care.

74. Matthew Maiello breached said duty of care.

75. Plaintiff suffered personal injuries as a proximate result of the aforesaid negligence and intentional acts of Matthew Maiello.

76. The negligence and intentional acts of Matthew Maiello were committed in the scope of his employment for (or other business relationship with) defendants.

77. Defendants are liable to plaintiff for plaintiff's injuries under the doctrine of *respondeat superior* for the aforesaid negligence and intentional acts committed by Matthew Maiello.

78. Defendants are jointly and severally liable to plaintiff for negligence under New York State common law.

79. Defendants committed conduct so flagrant as to transcend mere carelessness and to constitute willful or wanton negligence or recklessness, authorizing an award of punitive damages. Defendants were complicit in the alleged misconduct by authorizing, participating in, consenting to or ratifying such misconduct.

80. This action is timely brought under the provisions of the New York State Child Victims Act, effective August 14, 2019.

81. By reason of the foregoing, plaintiff THEA MORALES is entitled to compensatory damages from defendants DIOCESE OF ROCKVILLE CENTRE, ST. EDWARD THE CONFESSOR ROMAN CATHOLIC CHURCH, OUR LADY OF FATIMA ROMAN CATHOLIC CHURCH and ST. CATHERINE OF SIENNA ROMAN CATHOLIC CHURCH, jointly and severally, in a sum exceeding the monetary jurisdictions of all lower courts and, in addition thereto, to punitive damages in a sum to be determined by the judge or jury herein.

WHEREFORE, plaintiff THEA MORALES hereby demands judgment against defendants DIOCESE OF ROCKVILLE CENTRE, ST. EDWARD THE CONFESSOR ROMAN CATHOLIC CHURCH, OUR LADY OF FATIMA ROMAN CATHOLIC CHURCH and ST. CATHERINE OF SIENNA ROMAN CATHOLIC CHURCH, jointly and severally: (a) pursuant to the First Cause of Action for compensatory damages in a sum exceeding the monetary jurisdictions of all lower courts and for punitive damages in an amount to be determined by a jury or the court; (b) pursuant to the Second Cause of Action for compensatory damages in a sum exceeding the monetary jurisdictions of all lower courts and for punitive damages in an amount to be determined by a jury or the court; and (c) for such other and further relief which as to this Court may seem just and proper, together with the costs and disbursements of this action.

Dated: August 14, 2019
Woodbury, New York



RALPH A. HUMMEL
Attorney for Plaintiff
Office & P.O. Address
137 Woodbury Road
Woodbury, New York 11797
(516) 367-4510

VERIFICATION

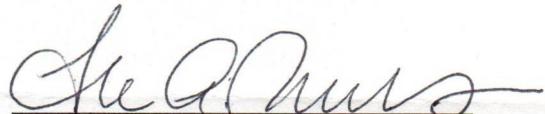
STATE OF NEW YORK
COUNTY OF SUFFOLK ss.:

THEA MORALES, being duly sworn, deposes and says:

1. I am the plaintiff in this civil action.
2. I have read the foregoing Complaint and know the contents thereof.
3. The same are true to affiant's own knowledge except the matters stated to be alleged upon information and belief and as to those matters affiant believes them to be true.

Sworn to before me this
14th day of August 2019

RALPH A. HUMMEL
Notary Public, State of New York
No. O2HU4781543
Qualified in Suffolk County
Commission Expires July 31, 2021


THEA MORALES

